

## DISCIPLINARY & GRIEVANCE POLICY

### GENERAL REQUIREMENTS

- Each step and action under the procedures must be taken without unreasonable delay.
- Timing and location of meetings must take into account the needs of all parties involved.
- Meetings must be conducted in a manner which enables all parties to explain their cases.
- These procedures may be varied or deviated from in appropriate circumstances.
- The Church shall not discriminate against employees in the application of these rules and procedures on the ground of gender, race, (including colour, nationality and ethnic or national origins), disability, age sexual orientation or religion.

### GRIEVANCE PROCEDURE

Grievances are concerns, problems or complaints that employees wish to raise. The Grievance Procedure is designed to ensure that if an employee has any grievance concerning his or her employment the employee should be able to raise the matter, discuss the matter with management and have the decision of management as quickly as possible. It is important that grievances should be plainly stated and all the relevant facts brought to the attention of the person hearing the grievance at the outset.

If the matter cannot be settled informally, the formal procedure for dealing with a grievance is as follows:-

#### Stage 1

If the employee wishes to raise a grievance they must set out the grievance (and the basis for it) in writing (unless there is a good reason for not doing so) and send it to their immediate Supervisor. If the matter concerns the employee's immediate Supervisor, then the grievance should be raised with either their superior or where the immediate Supervisor is a [Senior Minister], a fellow [Senior Minister].

The [Supervisor] will invite the employee to attend a hearing as soon as possible in order to discuss the grievance. The employee will have an opportunity to explain his/her complaint at the hearing. The employee will be reminded at the time of invitation of his/her right to be accompanied by either a fellow worker or an appropriately qualified Trade Union representative. The employee should advise the Church who their chosen companion is.

The [Supervisor] will respond in writing to the grievance within 7 days of the hearing. If it is not possible to respond within that time period, the employee will be given an explanation for the delay and told when a response can be expected.

When the [Supervisor] informs the employee of their decision upon the grievance they will also notify the employee of the right to appeal against the decision if the employee is not satisfied with it.

## Stage 2

If the employee does not feel the grievance has been satisfactorily resolved and wishes to appeal he/she must inform [the Church Secretary] in writing within 7 days of receiving the [Supervisor]'s decision.

The appeal will be heard by a level of management superior to the [Supervisor] who dealt with Stage 1 of the grievance or where the [Supervisor] is a [Senior Minister], another [Senior Minister] if possible.

The [Supervisor]/ [Senior Minister] will invite the employee to attend a hearing in order to discuss the grievance. The employee will be advised at the time of invitation of his or her right to be accompanied by either a fellow worker or an appropriately qualified Trade Union representative. The employee should advise the Church who their chosen companion is.

After the appeal meeting, the [Supervisor]/Senior Minister] will inform the employee of their final decision within 7 days, advising the employee that the appeal stage was the final stage of the procedure. If it is not possible to respond within that time period, the employee will be given an explanation for the delay and told when a response can be expected.

Should more than one employee wish to raise a grievance, an appropriate representative (details of who qualifies as such can be obtained from the Church) of the relevant employees who wish to raise a grievance may write to the appropriate [Supervisor] and set out the grievance on behalf of the employees.

It is essential that if the Grievance Procedure is to be properly implemented there shall be no stoppage of work threat of stoppage of work or any interference whatsoever with the work of the Church whilst the Grievance Procedure is followed through.

Additional guidance in conducting a grievance:

- A record should be kept of all stages of the grievances which shall not only include notes of the hearing(s) but also the nature of the grievance (including a copy of the written grievance), details of the outcome of the grievance (and why), any action taken (and why) and any appeal.  
Grievance proceedings and records shall so far as practicable be kept confidential and in accordance with the Data Protection Act 1998.
- Copies of records should be given to the employee unless the Church has good reason to withhold some or all of the records.

## **DISCIPLINARY PROCEDURE**

### **PURPOSE & SCOPE**

This procedure is designed to help and encourage all employees and workers where appropriate to achieve and maintain standards of conduct, attendance and job performance. This procedure applies to all employees. The aim is to ensure consistent and fair treatment for all.

### **RULES**

In producing these Rules, the Church intends to ensure that all employees have a clear understanding as to what constitutes acceptable and unacceptable behavior and standards. Listed below are "Offences which may lead to disciplinary action being taken against employees.

The "Offences" in Part 1, if sufficiently serious, may be regarded as gross misconduct, whilst Part 2 contains a non-exhaustive list of examples of offences which are normally regarded as gross misconduct.

The Church may at any time modify or add to Parts 1 and 2 further examples of unacceptable behavior and standards.

### **OFFENCES - Part 1**

1. Unsatisfactory work performance/incompetence (i.e. failure to carry out your duties to the performance levels indicated during instruction and training).
2. Verbal abuse of colleagues or members of the public (i.e. using aggressive, abusive language or behavior).
3. Minor breaches of the Church's Health and Safety Rules.
4. Communicating with clients/customers and potential clients/customers and anyone who comes into contact with the Church in a manner that does not create an impression of loyalty, professionalism and competence.
5. Minor carelessness, negligence, incompetence or non-performance of tasks or work related duties.
6. Poor time keeping.
7. Excessive absenteeism.
8. Failing to treat all property belonging to clients/customers and to the Church with care and respect.

9. Obstructing the flow of work.
10. Failure to adhere to the Church's dress code policy.
11. Misuse of Church property.
12. Misuse of Church telephones or other facilities, such as email or internet.
13. Leaving the work place during working hours without informing your [Supervisor] or a [Senior Minister] of the Church.
14. Harassment of intimidation of any colleague (i.e. any behavior or language which indicates a failure to recognize the rights of others to be treated with respect and not to be discriminated against in anyway).
15. Unauthorized absence from the workplace.
16. Failure to follow instructions.

#### **OFFENCES -Part 2**

1. Assault of physical abuse on clients/customers, colleagues or members of the public whilst on Church business.
2. Speaking disrespectfully to clients/customers or potential clients/customers in a manner likely to bring the Church into disrepute or generally bringing the Church into serious disrepute.
3. Serious breaches of the Church's Health and Safety Rules.
4. Release of confidential information on or relating to the Church's finances, clients, suppliers, systems and methods, policies etc to any unauthorized personnel or any other misuse of Church Confidential Information or serious breach of confidence.
5. Theft of property belonging to the Church, employees or clients/customers or theft whilst on the Church's business.
6. Failure to disclose any involvement in a commercial arrangement between a third party and the Church.
7. Possession of illegal substances whilst on Church business or on Church property.
8. Being under the influence of alcohol or illegal substances.

9. Conducting any work in direct competition with the Church.
10. Deliberate falsification of work records, documentation or expenses.
11. Repeated or serious incidents of harassment, discrimination, bullying or intimidation for any reason including (but not limited to) race, sex, religion, sexual orientation, age and /or disability.
12. Deliberate or serious damage to or misuse of Church property or the Church's name.
13. Serious negligence which causes unacceptable loss, damage or injury.
14. Serious acts of insubordination.
15. Unauthorised entry to computer records, including deliberately accessing internet sites containing pornographic, offensive or obscene materials or other unacceptable use of computers.
16. Fraud.

#### **PRINCIPLES AND PROCEDURES**

- No disciplinary action will be taken against an employee until the case has been fully investigated.
- Before any disciplinary action is taken the Church will set out in writing and send to the employee details of the alleged conduct, characteristics, or other circumstances (and the basis reasons for such details) which led the Church to contemplate taking disciplinary action. All documentation and /or witness statements (where feasible) in support of the allegations will be sent to the employee prior to the hearing.
- The employee will be invited to a disciplinary hearing which will take place at least 3 working days after receipt of the allegations and documentation referred to in (b) above. The employee will be advised of and have the right to be accompanied at the meeting by a work colleague or an appropriately qualified Trade Union representative. The employee should advise the Church who their chosen companion is.
- The employee shall have the opportunity to state his or her case before a decision is reached. The employee shall be allowed to ask questions, present evidence, call

witnesses and be given the opportunity to raise points about any information provided by witnesses.

- A decision may be taken in the employee's absence if the employee fails to attend without good reason a hearing that has been re-arranged following the employee's failure to attend the first hearing arranged.
- No employee will be dismissed for a first breach of discipline except in the case of gross misconduct when the penalty will be dismissal without notice or payment in lieu of notice.
- After the hearing, the employee will be advised of the decision in writing and the reason why and reminded of the right to appeal against the disciplinary penalty imposed (if any). Any improvement expected (and the timescale for such improvement if appropriate) shall be also detailed in writing.
- As far as reasonably practicable, proceedings, witness statements and records shall be kept confidential and in accordance with the provisions of the Data Protection Act 1998.
- Written records shall be kept.
- Copies of meeting records shall be given to the employee unless it is appropriate to withhold such records.
- In certain cases, the Church may suspend the employee on full pay whilst an unhindered investigation is conducted. Such a suspension does not constitute disciplinary action and the employee shall be advised that this is the case. The suspension will be reviewed on a regular basis.

## **THE SANCTIONS**

Cases of minor misconduct of unsatisfactory performance will be dealt with informally but where the matter is more serious the following procedure will be used:-

### **Stage 1 - Verbal Warning**

In the case of minor matters of misconduct of where performance does not meet acceptable standards, but to a minor extent, the employee will normally be given a formal VERBAL WARNING. He/she will be advised of the reason for the warning, that it is the first stage of the disciplinary procedure and his/her right to appeal. A brief note of the verbal warning will be kept but it will expire after 6 months, subject to satisfactory conduct and performance.

## **Stage 2 - Written Warning**

### **1 Unsatisfactory performance**

If, following a hearing, the poor performance is found to be serious, or there is no significant improvement, the employee should be given a WRITTEN WARNING setting out the following points as appropriate:

- The fact that this step forms part of a formal procedure;
- The performance problem;
- The improvement that is required;
- The timescale for achieving this improvement;
- Review date;
- Any support the employer will provide to assist the employee; and
- The right to appeal.

The employee should be warned that a failure to improve could lead to a final written under Stage 3 below and, ultimately, dismissal. A copy of the warning should be kept and used as the basis for monitoring and reviewing performance over 12 months and will be disregarded for disciplinary purposes after 12 months subject to satisfactory performance.

### **2 Misconduct**

Where, following a disciplinary hearing, an employee is found guilty of a serious offence or if a further offence has occurred a WRITTEN WARNING will be given to the employee setting out the nature of the misconduct and the change in behavior required.

The employee should be informed that the warning is part of the formal disciplinary process and what the consequences will be of a failure to change behavior. The consequences could be a Final Written Warning at Stage 3 of the procedure and ultimately, dismissal. The employee should also be informed that they may appeal against the decision. A record of the warning should be kept, but it should be disregarded for disciplinary purposes after 12 months subject to satisfactory conduct.

## **Stage 3 - Final Written Warning of Disciplinary Suspension**

If there is still a failure to improve and conduct or performance is still unsatisfactory, or if the misconduct or failure to perform is sufficiently serious to warrant only on written but insufficiently serious to justify dismissal (in effect both first written warning) a FINAL

WRITTEN WARNING will normally be given to the employee. This will give details of, and grounds for, the complaint, will warn that dismissal or some other penalty will result if there is no satisfactory improvement or modification of behavior, and will advise of the right of appeal. A copy of this final written warning will be kept but it will expire after 12 months (in exceptional cases the period may be longer) subject to satisfactory conduct and performance.

#### **Stage 4 - Dismissal**

If conduct of performance is still unsatisfactory and the employee still fails to reach the prescribed standards, DISMISSAL, will normally result. As alternatives, it may be appropriate to have as the final step disciplinary increment (refer to the section below entitled 2 Other Dismissals or other Action Short of Dismissal"). The employee will be provided, as soon as reasonable practicable, with written reasons for dismissal, the date on which employment will terminate, the right to appeal, (including how to do so and to whom) and the appropriate period of notice (or pay in lieu of notice).

#### **Gross Misconduct**

If you are accused of an act of gross misconduct, you may be suspended from work on full pay, whilst the Church investigates the alleged offence. Such suspension will be kept under review. It will be made clear that such action is not disciplinary action. If, on completion of the investigation and after holding a hearing to discuss the matter with the employee and to give the employee an opportunity to state his/her case, the relevant [Supervisor]/[Senior Minister] is satisfied that gross misconduct has occurred, the result will normally be summary dismissal may also result in circumstances in which an employee commits a single error due to negligence and the actual or potential consequences are or could be extremely serious.

The list of Offences above in Part 2 provide examples of offences which are normally regarded as gross misconduct.

#### **Appeals**

If the employee wishes to appeal against the decision he should inform the [Church Secretary] within 7 days, setting out the ground upon which he wishes to appeal.

The employee will be invited to attend an appeal hearing which will be conducted by a level of management superior to the [Supervisor] who conducted the first disciplinary hearing or where this was a Senior Minister, a different [Senior Minister] if possible. The employee will have been advised of the right to be accompanied by a work colleague or an appropriately qualified Trade Union representative during this hearing. The employee should advise the Church who their chosen companion is.

At the hearing the employee will have an opportunity to state his/her case call witnesses in support. The employee and witnesses can be questioned by the [Supervisor] conducting the appeal hearing.

At the conclusion of the appeal hearing or shortly thereafter the [Supervisor] conducting the appeal will inform the employee in writing of his final decision and the reasons for it. The [Supervisor] will also confirm to the employee that this is the final stage of the Appeals Procedure.

#### **OTHER DISMISSALS OR OTHER ACTION SHORT OF DISMISSAL**

For:

- All other dismissals contemplated by the Church for any other reason (such as for redundancy, retirement (but not by mutual consent), non renewal of a fixed term contract); and
- And other action short of dismissal wholly or mainly by reason of the employee's conduct or capability, such as being suspended without pay (but not suspension on full pay).

The Church shall act in accordance with relevant statutory provisions and minimum procedures set out in the steps below shall apply. (Note that for warnings relating to conduct of performance, the principles and procedures set out above shall be followed).

**Step One:** The Church shall set down in writing the nature of the employee's conduct, capability or other circumstances that may result in dismissal or disciplinary action, and send a copy of this statement to the employee. The Church shall inform the employee of the basis for the complaint or contemplated action.

**Step Two:** The Church shall invite the employee to a hearing at a reasonable time and place where the issue can be discussed. The employee must take all reasonable steps to attend. After the meeting, the Church shall inform the employee about any decision, and offer the employee the right to appeal.

**Step Three:** If the employee wishes to appeal, he/she must inform the Church. The Church shall invite the employee to attend a further hearing to appeal against the Church's decision, and the final decision must be communicated to the employee. Where possible, a more senior [Supervisor] shall hear the appeal.

The Church shall offer the employee the right to be accompanied by a work colleague or an appropriately qualified Trade Union representative during Steps Two and Three as appropriate.